

UPPER HUTT CITY COUNCIL

PREVENTION OF VEGETATION FIRES BYLAW 2005

EXPLANATORY NOTE

This bylaw is called the Prevention of Vegetation Fires Bylaw 2005 and was made under Sections 145 and 146 of the Local Government Act 2002.

The purpose of the bylaw is to regulate and control the lighting of fires in the open air so as to reduce the potential danger of forest or vegetation fires.

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1.0 APPLICATION OF BYLAW

1.1 This bylaw applies within the district of the Upper Hutt City Council.

2.0 COMMENCEMENT

2.1 This bylaw came into force on 1 June 2005.

3.0 INTERPRETATION

3.1 In this bylaw, unless the context otherwise requires:

“Authorised Officer” means any person appointed or authorised by the Council to act on its behalf and with its authority.

“Broadcasting” has the meaning given to it by the Broadcasting Act 1989.

“Council” means the Upper Hutt City Council and any authorised officer.

“Open Air”, “Open Fire Season”, “Prohibited Fire Season” and “Vegetation” all have the meanings given to them by the Forest and Rural Fires Act 1977.

“Premises” means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same or enclosed space separately occupied and all lands, buildings, and places adjoining each other and occupied together shall be deemed to be the same premises.

4.0 CONDITIONS FOR LIGHTING FIRES IN THE OPEN AIR

4.1 No person shall light any fire in the open air and no person being the occupier of any premises shall cause, allow or suffer any such fire to be lit there or continue to burn:

- (a) while a strong wind is blowing or when conditions are such that the fire is likely to spread beyond the limits of the land or other property; and
- (b) that is within five metres of any tree, hedge, fence or other combustible vegetation.
- (c) between the hours of sunset and sunrise, without specific approval; and
- (d) without maintaining adequate supervision during any burning.

5.0 CONDITIONS FOR LIGHTING BARBEQUES AND TRADITIONAL COOKING FIRES

5.1 No person shall use any barbeque or make any traditional cooking fire and no person being the occupier of any premises shall permit or suffer the use of any barbeque or the making of any traditional cooking fire:

- (a) that by location, risk of spread, inadequate containment or prevailing circumstances of wind or otherwise contributes or is likely to contribute to the spread of fire in vegetation.
- (b) without there being immediately available a water supply.
- (c) without maintaining adequate supervision.

6.0 PROHIBITION OF FIRES DURING PROHIBITED FIRE SEASON

- 6.1 The Council may at any time where, in its opinion, special reasons exist or may exist to prevent the outbreak or spread of fire, specify any prohibited fire season or seasons in the district or in any specified part or parts of the district and may at any time and from time to time cancel or vary any such season or seasons.
- 6.2 The Council shall give public notice of any prohibited fire season made under subclause 6.1 of this clause by:
- (a) broadcasting; or
 - (b) notice in a daily newspaper circulating throughout the district.
 - (c) other effective means within the district.
- 6.3 No person shall light any fire in the open air and no person being the occupier of any premises shall cause, permit or suffer any such fires to be lit there or to continue to burn in contravention of any prohibition made under this clause.

7.0 EXEMPTIONS FROM PROHIBITIONS ON LIGHTING FIRES IN THE OPEN AIR

- 7.1 The occupier of any premises in which an operation is being carried out which necessitates the use of fire in the open air or the organiser of any special occasion or event may apply to the Council for exemption from a prohibited fire season imposed pursuant to Clause 6.1 hereof or for approval pursuant to Clause 4.1(c).
- 7.2 The Council may grant the application subject to such conditions as it considers fit to impose.

8.0 PENALTY FOR BREACH OF BYLAW

- 8.1 The maximum penalty for an offence against any provision of this bylaw is a fine not exceeding \$500.